

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Yang Peng et al.

Serial No.: 10/578,376

Filed: May 5, 2006

Atty. Docket: CN030054US1

Confirmation No.: 6602

Examiner: Gelek W. Topgyal

Group Art Unit: 2481

Title: A METHOD AND PLAYER FOR PLAYING CONTENT HAVING A PLURALITY
OF DISTINCT BRANCHES PLAYABLE ON A PLAYBACK DEVICE

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Commissioner for Patents
P.O. Box 1450
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REPLY BRIEF

Sir:

Appellants herewith respectfully present its Reply Brief in response to the Examiner's
Answer mailed on September 8, 2011, as follows:

ARGUMENT/REMARKS

Claims 1-2, 4-5, 8-11 and 13-20 are said to be obvious over Hirayama in view of Lamkin.

The claims, such as claim 1, recite "playing content having a story line including a plurality of distinct branches" which lead to "diverged endings of the content story line". To this end the claim recites "creating a bookmark corresponding to the detected branch indication" in the content. The recitation of the claims may be analogized to a system of finding your way on a city map. All the street twists and turns are available, but your destination or the ending of your journey may be, e.g., the 59 street bridge, the Grand Central terminal at 42nd and Lexington Avenue, the Penn station at 7th avenue and 34th street, etc. While the content, such as the city map in the analogy remains constant, the story line or the path between the initial point and each of the destinations changes.

The section (10) Response to Argument part A, at page 14 of the Examiner's Answer asserts with regard to Hirayama that "there's no recitation that program bar #O is not related to the content story line." Appellants disagree. The claims set out static, unchanged content. There's no recitation that content is in anyway modified. The claims do recite "creating a bookmark corresponding to the detected branch indication" which forms a path through the content. Continuing with the city map example above, recording a conventional bookmark at Broadway and 40th street gives no clue as to which of the listed destinations is the target.

FIG. 9A of Hirayama illustrates, program bars 0-6 from three stories. The first story includes story bars 0, 1, 5, and 6; the second story includes story bars 0, 2, 3 and 6; and the fourth story includes story bars 0, 1, 4, and 6. Accordingly, in Hirayama each story (of stories 1, 2 and 3) includes differing content with the same ending. Continuing with the city map example above, in Hirayama the target destinations is always the Grand Central terminal.

The Examiner's arguments that "It can be seen that the stories are related..." and references the manner in which Hirayama generates its stories and stores them as different program movements which further support the Appellants' argument that Hirayama forms different stories having different content, not different story lines (different destinations) within the same content as set out in the claims. Hirayama does not disclose "playing content having a story line including a plurality of distinct branches" or "the plurality of distinct branches leading to a respective plurality of diverged endings of the content story line", as recited in claim 1, for example.

As with regard to the Examiner's position "that it is not stated in the claim when the story actually begins and when it actually end", the timing of playback is irrelevant.

As with regard to the Examiner's making a note of record that specification identifies something as well known and old in the art and that Hirayama and Lamkin are "prior art old in the video recording art". The Appellants do not understand this point. The question is whether Hirayama and Lamkin make obvious the claimed limitations. It is respectfully submitted that they do not.

In Response to Argument part **B**, the Examiner now admits the following "In looking at claim 1, Hirayama is relied upon to teach the preamble, however, does not teach the remainder of claim 1." Further, the Examiner characterizes Lamkin as follows:

Lamkin is therefore not relied upon to teach the limitation of "a story line including a plurality of distinct branches ... leading to a respective plurality of diverged endings of the content story line"

The Examiner then pairs Hirayama and Lamkin as teaching angles. Appellants have continuously stressed that angles are not equivalent to branches.

Lamkin does not define angles or what is meant by this term in its specification. Thus, as best understood, the angles are assumed to be different perspective of the same scene. This position is believed admitted by the Examiner in that this was argued previously and the Examiner did not refute it. Therefore, regardless of the selected angle or perspective of some scenes, the story line of the content is the same (the destination is always the Grand Central Terminal). The angle is a different view of a frame NOT a bookmark indicating that a journey or the content story line must pass through that bookmark. In Lamkin, even when different angles are selected, the story line converges to the same end. Accordingly, it is respectfully stressed that the different angles of Lamkin are not analogous to the "plurality of distinct branches" of the present claims. It is respectfully submitted that since the branches as recited in the claims are missing from Lamkin, that reference does not teach, disclose or suggest the acts of "detecting a branch indication" and "creating a bookmark corresponding to the detected branch indication", as recited for example recited in claim 1.

Further, because Hirayama and Lamkin lack description of the branches and branch indications, it is respectfully submitted that they do not teach, disclose, or suggest any elements of the claims recitation of a branch indication.

In Response to Argument part C, the Appellants take the opportunity to clarify and repeat that the commonly used term "bookmark" is not characteristic of the claimed Bookmarks are well known, they are indications to the playback device where to start the playback. These prior bookmarks, however, do not indicate branches. Bookmarks do not tell the playback device which branch to playback. Returning to the city map example, unlike the conventional bookmarks, the claimed bookmark at Broadway and 40th street gives will include branch information. Further, while the Examiner states that:

Lamkin is not relied upon to teach the limitation of "a story line including a plurality of distinct branches ... leading to a respective plurality of diverged endings of the content story line".

It cannot be denied that, an angle of view in Lamkin or in Hirayama does not change a story line, i.e., the plot.

In Response to Argument parts E and F, because claims 4, 8, and 13 include similar recitations as claim 1, which, as argued above and in the past is not rendered obvious by Hirayama and Lamkin, it logically follows that claims 4, 8, and 13 are similarly not rendered obvious by Hirayama and Lamkin. It then further follows that any claims dependent from the independent claims are similarly not rendered obvious by Hirayama and Lamkin.

**Claims 3, 6-7 and 12 are said to be obvious over Hirayama in view of Lamkin in view
of Lewis**

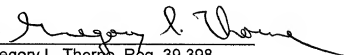
In Response to Argument part **D** and **G**, the Appellants agree that the Examiner did not rely on Lewis to remedy the deficiencies of Hirayama and Lamkin. Accordingly, it is respectfully submitted that claims 3, 6-7 and 12 are allowable at least based on their dependence from corresponding independent claims.

In addition, Appellants deny any statement, position, or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 1-20 are patentable over Hirayama in view of Lamkin and Lewis. Thus the rejection of the claims should be reversed.

Respectfully submitted,

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